S.B.CRIMINAL MISC. BAIL APPLICATION NO.5296/2007

(Arun Singh Panwar & Ors. vs. State of Rajasthan)

DATE OF ORDER : November 16, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.L.D.Gaur, for the petitioners.

Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioners as well as the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

There are serious allegations against petitioner No.1 Arun Singh Panwar that he caused injuries to injured Om Prakash; one of the injuries has resulted in fracture and grievous in nature. The petitioners alleged to have inflicted injuries on non-fulfillment of their demand of money for taking the liquor.

In the facts and circumstances of the case and the fact that one of the injuries suffered by injured at the hands of petitioner No.1 Arun Singh Panwar has resulted in fracture and grievous in nature, in my view, it is not a fit case to grant anticipatory bail to petitioner No.1.

The bail application filed by petitioner No.1 Arun Singh Panwar under section 438 Cr.P.C. is, therefore, dismissed.

However, having regard to the facts and circumstances of the case and the fact that the injuries assigned to petitioners No.2 Kuldeep Jain and No.3 Vikki Panwar alias Vikram Singh Panwar are simple in nature, I consider it just and proper to grant anticipatory bail to them.

Accordingly, the bail application filed by petitioners No.2 and No.3 under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners No.2 Kuldeep Jain s/o Bhairulal Jain and No.3 Vikki Panwar alias Vikram Singh Panwar s/o Sampat Singh Panwar in CR. No.249/2007, P.S. Chopasani Housing Board, Jodhpur, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

Petitioners No.2 and 3 shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-